

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA**

In re:

MERCY HOSPITAL, IOWA CITY, IOWA, *et al.*,

Debtors.

Chapter 11

Case No. 23-00623 (TJC)

Jointly Administered

**EXPEDITED RELIEF REQUESTED**

**DEBTORS' UNCONTESTED EXPEDITED MOTION FOR ENTRY OF ORDER  
RESCHEDULING THE FACILITATED CONFERENCE FOR MARCH 18, 2024**

Mercy Hospital, Iowa City, Iowa (“Mercy”) and certain of its affiliates and subsidiaries, as debtors and debtors-in-possession in the above-captioned chapter 11 cases (collectively, the “Debtors”), hereby move (the “Motion”) for entry of an order substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”) rescheduling the facilitated conference ordered by the Court for Monday, March 18, 2024. In support thereof, the Debtors respectfully represent as follows:

## **JURISDICTION AND VENUE**

1. The Court has jurisdiction to consider this Motion pursuant to 28 U.S.C. §§ 157 and 1334 and the *Public Administrative Order* referring bankruptcy cases entered by the United States District Court for the Northern District of Iowa. This is a core proceeding under 28 U.S.C. § 157(b). Venue of these cases and the Motion in this District is proper under 28 U.S.C. §§ 1408 and 1409.

2. The legal predicates for the relief requested herein are section 105(a) of title 11 of the United States Code (the “Bankruptcy Code”) and Rule 9006 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”).

3. The Debtors confirm their consent to the entry of a final order by the Court in connection with the Motion in the event that it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution.

## **BACKGROUND**

### **I. The Chapter 11 Cases**

4. On August 7, 2023 (the “Petition Date”), each of the Debtors commenced a case by filing a petition for relief under chapter 11 of the Bankruptcy Code (collectively, the “Chapter 11 Cases”). The Chapter 11 Cases are being jointly administered for procedural purposes only.

5. The Debtors continue to operate their businesses and manage their properties as debtors and debtors-in-possession pursuant to Bankruptcy Code sections 1107(a) and 1108.

6. On August 15, 2023, the Office of the United States Trustee for the Northern District of Iowa (the “U.S. Trustee”) appointed an official committee of unsecured creditors (the “Committee”) in the Chapter 11 Cases [Docket No. 107]. On November 4, 2023 the U.S. Trustee appointed an official committee of pensioners (the “Pension Committee”) in the Chapter 11 Cases [Docket No. 458]. No trustee or examiner has been appointed in the Chapter 11 Cases.

7. Additional information regarding the Debtors and these Chapter 11 Cases, including the Debtors’ business operations, capital structure, financial condition, and the reasons for and objectives of these Chapter 11 Cases, is set forth in the *Declaration of Mark E. Toney in Support of Chapter 11 Petitions and First Day Pleadings* [Docket No. 27].

### **II. Committee Motion and Facilitated Conference Order**

8. On February 28, 2024, the Committee filed its *Request of the Official Committee of Unsecured Creditors for Telephonic Status Conference* [Docket No. 778] (the “Committee

Motion”). The Committee Motion asked the Court to hold a telephonic hearing to consider entering an order related to mediation.

9. On March 5, 2024, the Court held a telephonic hearing as requested in the Committee Motion. Following the hearing, the Court entered a *Proceeding Memo and Order* [Docket No. 804] (the “Conference Order”). Pursuant to the Conference Order, the Court set a facilitated conference (the “Facilitated Conference”) on March 19, 2024 for the Debtors and parties in interest to discuss the Debtors’ *Combined Plan and Disclosure Statement* and possible resolution of issues related thereto.

### **REQUESTED RELIEF**

10. Pursuant to this Motion, the Debtors respectfully request that the Court reschedule the Facilitated Conference for Monday, March 18, 2024 at 9:30 A.M.

11. Counsel for the Debtors, Computershare Trust Company, N.A., as Trustee, and Preston Hollow Community Capital, Inc., as Bondholder Representative (the “Secured Bondholder Representatives”), the Committee, and the Pension Committee (collectively, the “Parties”) have discussed scheduling issues related to the original March 19, 2024 date set for the Facilitated Conference.

12. After consultation, the Parties have agreed to file this Motion asking the Court to reschedule the Facilitated Conference for Monday, March 18, 2024 at 9:30 A.M. Accordingly, this Motion is uncontested.

13. Bankruptcy Rule 9006(c) authorizes the Court to reschedule the Facilitated Hearing for cause shown. The agreement of the Parties to reschedule the Facilitated Hearing constitutes cause shown.

**NOTICE**

14. The Debtors will provide notice of the Motion to: (a) the U.S. Trustee; (b) counsel for the Committee; (c) counsel for the Pension Committee; (d) the United States Attorney for the Northern District of Iowa; (e) the Centers for Medicare & Medicaid Services; (f) counsel for the Master Trustee and Trustee; (g) counsel for the Bondholder Representative; (h) the Federal Trade Commission; and (i) all parties entitled to notice pursuant to Bankruptcy Rule 2002. The Debtors submit that no other or further notice is required.

**NO PRIOR REQUEST**

15. No previous request for the relief sought herein has been made to this or any other court.

*[Remainder of page intentionally left blank]*

**CONCLUSION**

WHEREFORE, the Debtors respectfully request that the Court enter the Proposed Order, substantially in the form attached hereto as **Exhibit A**, granting the relief requested herein and such other and further relief as may be just and proper.

Dated: Cedar Rapids, Iowa  
March 8, 2024

**NYEMASTER GOODE, P.C.**

/s/ Roy Leaf

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**CERTIFICATE OF SERVICE**

The undersigned certifies, under penalty of perjury, that on this March 8, 2024, the foregoing document was electronically filed with the Clerk of Court using the Northern District of Iowa CM/ECF and the document was served electronically through the CM/ECF system to the parties of the Chapter 11 Cases.

/s/ Roy Leaf